| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/453,937 | 05/17/2000 | Tetsuro Motoyama | 5244-0126-2 | 7303 |

22850          7590          02/24/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA   22314

| EXAMINER |
|---|
| LE, HIEU C |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2153 | 6 |

DATE MAILED: 02/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | **Application No.** | | **Applicant(s)** |
|---|---|---|---|
| **Office Action Summary** | 09/453,937 | ● | MOTOYAMA ET AL. |
| | **Examiner** | | **Art Unit** |
| | Hieu c. Le | | 2153 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *13 December 2002* .

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

| | |
|---|---|
| 1)☐ Notice of References Cited (PTO-892) | 4)☐ Interview Summary (PTO-413) Paper No(s). _____ . |
| 2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5)☐ Notice of Informal Patent Application (PTO-152) |
| 3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6)☐ Other: . |

1.      The proposed drawing changed filed 12/13/02 is appoved.

2.      The Amendment file 12/13/02 have been entered and made of record.

3.      In response to Applicant's amendment filed 12/13/03 the 112, first paragraph rejection to

claiims 1-20  is withdrawn.

4.      In response to Applicant's amendment filed 12/13/03 the objection to the drawings under

37 CFR 1.83 (a) is withdrawn.

### *Claim Rejections - 35 U.S.C. § 103*

5.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains.  Patentability shall not be negatived by the
> manner in which the invention was made.

6.      Claims 1-6, 9, 11-13, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable

Motoyama [US. Pat. 5,818,603] in view of over Hanaway [U.S. Pat. No. 5,842,039].

As to claim 1, Motoyama discloses a method a computer program product, comprising: a

computer storage medium and a computer program code mechanism embedded in the computer

storage medium for causing a computer to control a format used for data communication between

a remote receiver and at least one of a device, an appliance, an application and an application unit,

the computer program codes mechanism [software program (col. 14, lines 42-53) for controlling a

format used for data communication between a control system 26 (remote receiver) and least one

of a digital camera 2, fax machine 4, copier 6 (devices, an appliance, etc) (Fig. 1, col. 3, line 37-

col. 4, line 45)] comprising:

a first computer code device configured to provide plural communications formats capable

of providing data transfer (col. 6, line 59- col. 7, line 22); a second computer code device

configured to select a first format of the plural communications formats to transfer data between

the remote receiver and the at least one of a device, an appliance, an application and an

application unit [after the protocol identifier and identifier and identifier version of the

transmission are analyzed in order to determine the format and a format type is detected such as

binary (first format) (col. 8, lines 15-45)]; a third computer code device configured to select a

second format of the plural communications formats to transfer data between the remote

receiver and the at least one of a device, an appliance, an application and an application

unit [the detected format could be ASCII format (second format) (col. 8, line 46-66)]; a fourth

computer code device configured to collect events at the at least one of a device, an appliance, an

application and an application unit [incoming communications to the controller system 26 is

checked to determine it's protocol and format and is parsed to determine commands, parameters

or other information contained in the communication and if any other communication or function

is to be formed (event) (col. 12, lines 37-53)]; a fifth computer code device configured to

dynamically generate first and second format processors for implementing the first and second

formats [ if there is a need to send a message from the controller to the device, the message is

encoded using the previously determined protocol and format (col. 13, lines 19-21) the devices

are using different formats (Fig. 1) ]. Motoyama does not discloses a sixth computer code device

configured to attempt to transfer the collected events between the remote receiver and the at least

one of a device, an appliance, an application and an application unit using the first format

processor; a seventh computer code device configured to attempt to transfer the collected events

between the remote receiver and the at least one of a device, an appliance, an application and an

application unit using the second format processor after attempting to transfer the collected

events between the remote receiver and the at least one of a device, an appliance, an

application and an application unit using the first format processor, wherein the seventh computer

code device is configured to check for a transmission failure before transfering the collected

events using the second format.

Hanaway discloses a method to be used with a programmable controller that can

communicate with peripheral devices in two protocols. When a message is received, the

controller determines if the message is in the controller's currently configured protocol (col. 3,

lines 24-26). When the controller tries first protocol then tries the second protocol after the first

protocol is finished (col. 6, lines 50-65, Fig. 3). Hanaway further closes in col. 3 (lines 11-20 and

41-65) in that there is a "determination" or check (as claimed) (eg., see col. 3 (line 54)) to see if

the first format failed and thus the message is sent in the second format after conducting the

check. In other words, Hanaway sends the message using the first format, if that fails a

determination or check procedure, then the message is sent again using the second format. Thus

the sequence would be (a) send the message using the first format, (b) check for failure, c) send

the message using the second format. As can be seen, step b) is performed prior to step c).

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to use Hanaway's teachings to modify the computer of Motoyama by attempting to transmit

(transfer) a first message in a first protocol and format check for failure before transmitting

another message in a second protocol and format in order to be able to communicate with devices

which use varying communication protocols and formats and enable rapid detection of

communication protocols used by the devices.

As to claim 2, Motoyama further discloses wherein the first computer code device

comprises a library of code shared between first and second applications (fig. 1, database 28 ).

As to claim 3, Motoyama further discloses wherein the first computer code device

comprises a dynamically linked library of code shared between first and second applications (fig.

1, database 28 ).

As to claim 4, Motoyama further discloses wherein the fifth computer code device

comprises an eighth computer code device configured to implement a container class including an

entry for each of the plural formats, wherein each entry includes a key and a value code device

comprises a map [Fig. 10 shows a table for data formats stored in database that identifies the

format type (class) and includes entries for plurality of format types, each entry includes a format

type (key) and data format value (INT16, BYTES 1, etc)].

As to claim 5, Motoyama further discloses wherein the eighth computer code device

comprises a map [the table of fig. 10 is a map that maps the format type to format data].

As to claim 6, Motoyama further discloses wherein the value of the eighth

computer code device comprises a pointer to a function configured to dynamically generate

a corresponding format processor of the first and second format processors as specified by

the corresponding key [Fig. 10, shows a format ID (pointer to a function) that corresponds to the

format process of different format processes a defined by format type (key)].

As to claim 9, Motoyama further discloses wherein the function configured to dynamically

generate the corresponding format processor returns a format processing abstract class [Fig. 10,

format type is a format processing abstract class].

As to claim 11, Motoyama further wherein the seventh computer device comprises an

eighth computer code device configured to transfer the collected events using the second format

in order to increase redundancy [ the data is transferred in formats suitable for digital camera,

printer, fax (Fig. 1)].

As to claim 12, Motoyama further discloses wherein one of the plural communications

formats includes binary (col. 8, lines 40-41).

As to claim 13, Motoyama further discloses wherein one of the plural communications

formats includes text (col. 8, line 66-col. 9, line 2).

Claim 18 is a method analogous to the computer program product of claim 1, arguments

analogous to those applied to claim 1 are applied to claim 18.

As to claims 19, refer to claim 2 rejection.

As to claims 20, refer to claim 3 rejection.

7.      Claims 7-8, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Motoyama [US. Pat. 5,818,603] in view of over Hanaway [U.S. Pat. No. 5,842,039] as applied to

claims 1& 6 above, and further in view of Guck [U.S. Pat. No. 5,911,776] .

As to claim 7, neither Motoyama nor Hanaway discloses wherein the value further

comprises an attribute for identifying whether the fifth computer code device previously

dynamically generated the corresponding format processor.

Guck discloses a server using an object database to transmit any type of format by use of

any protocol, the server serves various protocols received by or transmitted from the server (col.

6, lines 43-54). Once a format is converted, the converted content can be saved as a property (attribute) of the file, so it does not have to be repeated (col. 9, lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Guck's teachings to modify the combined computer program product of Motoyama and Hanaway by using an attribute to identify whether a type of format have been generated before in order to prevent repeating the process of generating the format if the format have been generated before and speed the processing.

As to claim 8, Hanaway further discloses wherein the attribute store (1) a zero value if the fifth computer code device has not previously dynamically generated the corresponding format processor and (2) stores a pointer to the corresponding format processor if the fifth computer code device previously dynamically generated the corresponding format processor [ in col. 3 (lines 10-20) and col. 6 (line 50-et seq.), suggested that once the communication format was determined by the system, the system stored an indication of the format type such that format discovery need not be repeated for each future communications but rather is directly implemented by the system as further suggested in col. 3 (lines 31-39 "if the message are in the controller's currently configured protocol"))] .

As to claims 14& 16, neither Motoyama nor Hanaway wherein one of the plural

communications formats includes hypertext markup language (HTML) and wherein one of the

plural communications formats includes SGML.

Guck discloses a server using an object database to transmit any type of format by use of

any protocol, the server serves various protocols received by or transmitted from the server (col.

6, lines 43-54). The formats used may be Microsoft Word Format or SGML or HTML (col. 6,

lines 16-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to use Guck's teachings to modify the combined computer program product of Motoyama

and Hanaway by using an well known and conventional formats such as SGML or HTML in order

to increase the utility of the computer program product by including various formats that is usable

by a large number of devices used by different users.

As to claims 15, & 17, neither Motoyama nor Hanaway discloses wherein one of the

plural communications formats includes extended makeup language (XML), and wherein one of

the plural communications formats includes a CSV format

Guck discloses a server using an object database to transmit any type of format by use of

any protocol, the server serves various protocols received by or transmitted from the server (col.

6, lines 43-54).

Guck discloses some examples of formats to used such as Microsoft word format or

SGML or HTML or ASCII text (col. 6, lines 15-28).

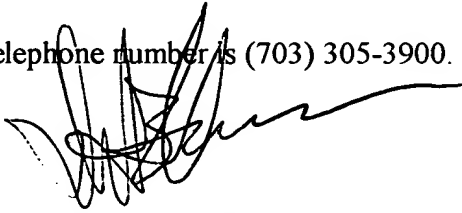Guck does not explicitly disclose extended makeup language (XML) or CSV formats.

However, such formats are conventional and well known formats and the use of these

formats is obvious in order to increase the utility of computer program product by including

various formats that is usable by a large number of devices used by different users.

8.      Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Hieu Le whose telephone number is (703) 306-3101. The examiner  can

normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Glenton Burgess, can be reached on (703) 308-7492.  The fax phone number for this

Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hieu Le

ROBERT B. HARRELL
PRIMARY EXAMINER